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THE FIRST SESSION OF THE SECESSION CONVENTION
OF TEXAS*

ANNA IRENE SANDBO

IV. TEXAS ON THE EVE OF THE CIVIL WAR

That the tenor of events in Texas was rapidly becoming threatening to the continued peace of the state is shown by the contents of the Galveston platform. Let us stop for a moment and consider its condition, apart from politics, on the eve of the great struggle between unionism and disunionism within its borders.

During the fifteen years that it had been in the Union, Texas had developed by leaps and bounds. The first census, taken after annexation, in 1847, showed a population, including slaves, of one hundred thirty-five thousand, in round numbers. Three years later, there were two hundred twelve thousand five hundred ninety-two; and in 1860, six hundred four thousand two hundred and fifteen. With this great increase in population had come economic prosperity; the people were prosperous and contented, and, with the exception of occasional Indian raids and troubles with Mexicans, lived in comparative peace. Frontier conditions prevailed, it is true, with all their restlessness and freedom; and the status of national politics increased this restlessness. Turbulence and violence were greater in 1860 than at any time during the last few preceding years. During this eventful year the newspapers were full of stories of crimes committed within its borders. *The True Issue* deplored the fact that crime was on the increase and that the criminal laws were not enforced. One editorial stated that "high-handed criminality stalks abroad through the land, and bloody deeds of violence and of vengeance are transpiring constantly to mar the peace and harmony of society. . . . Human life hangs on the merest thread. No man's life is safe."¹ William North, residing in Galveston at this time, says: "Such are the issues of life and death in Texas that a man is a little

*For the earlier portion of this paper, see *THE QUARTERLY*, XVIII, 41-73.

¹*True Issue*, February 3, 1860.

nearer death there all the while than in any other country we know of.”² The atmosphere was filled with excitement and alarm. Reports were circulated, often unfounded, of negro uprisings and wholesale poisonings. Incendiary fires occurred in many parts of the state. A three hundred thousand dollar fire of incendiary origin occurred at Dallas, followed by many others in the surrounding country. The arrest of suspects led to the detection of a plot to perpetrate such acts on a still larger scale. According to a correspondent whose own printing press had been destroyed by the Dallas fire the plot was conceived by certain abolition preachers who had been expelled from that part of the country the year before. It was charged that the plan was to demoralize by fire and assassination the whole of northern Texas, and then, when the country should have been reduced to a helpless condition, a general revolt of the slaves, aided by white men from the North, was to take place on election day in August. Dallas, it seems, was fired for the purpose of destroying the arms and supplies stored there for a certain artillery company. Disastrous fires occurred almost simultaneously with the Dallas fire at Denton, Pilot Point, Belknap, Gainesville, Black Jack Grove, Waxahachie, Kaufman, and Navarro.³ Arms and quantities of poison were discovered in the possession of negroes, and some negroes were hanged on Red Oak Creek, near Waxahachie. Henderson had a two hundred and eleven thousand dollar fire, considered incendiary, which caused great excitement in the community and led to the hanging of several negroes. A plot was discovered at Lancaster in which the purpose of the abolitionists seemed to be to burn the town and poison the inhabitants.⁴

How much truth and how much mere groundless rumor caused by the excited state of the public mind there may have been in these reports and accusations will of course never be known. Governor Houston and his friends accused the Democratic press of circulating such rumors for political purposes, and in reply the *State Gazette* admitted that rumor had probably coined some statements and exaggerated some facts, but that this was merely strong evi-

²North, *Five Years in Texas*, 72.

³Charles R. Prior in *State Gazette*, July 28, 1860; *True Issue*, July 26, 1860.

⁴*State Gazette*, August 4, 1860.

dence that much had happened to excite the apprehensions and call for the vigilance of the people.⁵ Whether founded on fact or not, these rumors were quite generally believed, and caused unrest and intense excitement throughout the state; they also engendered a burning hatred of Northern abolitionists, and gave rise to the formation of vigilance committees for protection. Nearly every paper warned the people against the abolition enemy, advised the organization of vigilance committees, and urged the speedy execution of all incendiaries who might be detected. *The Centerville Times*, a Sam Houston paper, says: "To show how promptly the people of Texas act in defense of their rights, we may state that since the abolition plot has been discovered, there have been ten white men hung, several whipped, and many requested to make themselves invisible in short order."⁶ *The Houston Telegraph* thought it inconceivable that the emissaries of fanaticism could come among the Texans and carry out such plots. It was high time for all true men to come together and in the name of the people put to death or drive out every man who was not a friend of the institution of slavery.⁷

The vigilance committees formed in many parts of the state exercised extraordinary powers. The committee at Dallas, immediately after the great fire, hanged three negroes in the presence of a large assemblage of people. The committee of Grimes county was formed for the purpose of keeping the negroes in subordination and effectively ridding the country of all white persons attempting to influence the negroes. The one formed in Austin County had full authority to arrest any suspicious character "and hang him if necessary." Three men were hanged at one time by the Fort Worth committee for tampering with slaves. Several ministers of the gospel were hanged, either for their abolition sentiments or for tampering with slaves. One paper presents to its readers the interesting caption "Another preacher hung," and describes the execution by the Fort Worth committee of a preacher who had been returned to Texas from Arkansas at the request of the committee. His offense seemed to be that he had "prowled about the country" during the summer. His two sons had lost

⁵*State Gazette*, August 25, 1860.

⁶Quoted by *State Gazette*, September 15, 1860.

⁷Quoted by *State Gazette*, August 4, 1860.

their lives a little earlier for being abolitionists.⁸ There can be no doubt but that these committees perpetrated many wicked deeds. A strong Sam Houston paper, in deploring that such was the fact, concluded, "Let us be understood at once. We are for the Constitution, the Union, and the enforcement of the laws; and we are against all Higher-lawism, mobbery, and vigilance committee usurpations."⁹ Military companies were organized, in some cases for the express purpose of co-operating with the vigilance committees, but in most cases for general protection against the negroes and the abolition enemies both in the state and outside of it. The state militia was greatly encouraged and all classes of citizens joined.

In the meantime the Democratic press seemed to have ever in view one thing, the forming of public opinion in favor of secession. Although it stoutly declared before the presidential election that it did not advocate secession, it prepared the way for a decision on that subject by its editorial discussions and by the publication of timely articles and extracts from speeches of prominent men in Congress either admitting the right of secession or favoring it.¹⁰ The resources of Texas were shown to be such as to make Texas economically and industrially independent of the Northern states. An attempt was made to show that the South could make herself independent of northern manufactures by establishing factories of her own. It was argued that the American-born, tractable negroes could be used as factory operatives, while the agricultural labor could be performed by "emigrants from the continent of Africa."¹¹

The Union press put forth its efforts to counteract this influence and to warn the people against the designs of the ultra-radicals. Many articles against nullification, secession, and disunion were contributed. One correspondent of *The Southern Intelligencer* who signs himself "a backwoodsman" likens the Constitution to a kettle, at all times filled with nutritious food, around which Uncle Sam's children, North and South, have been sitting

⁸*True Issue*, October 11, 1860.

⁹*Southern Intelligencer*, September 5, 1860.

¹⁰Some of the men quoted were Senator Bell of Tennessee, Sam Houston, Millard Fillmore, and Herschel V. Johnson, nominee for vice-president on the Douglas ticket.

¹¹Wm. H. Parsons in articles published in *State Gazette*. April 14, 1860.

and feasting until they have become fat, pampered and spoiled. Then in an evil and mischievous hour the children of the North attempt to break the slavery leg of this valuable kettle. The result is contention, bloodshed, and ruin to all.¹² An editorial in the *True Issue* entitled "The Public Pulse," published a few weeks earlier, seems to be an accurate description of the uncertain state of mind of the majority of the people: At breakfast a man says, "I am for secession emphatically; I am a disunionist per se"; at noon, "I would willingly go for secession, unless the Black Republicans recede from their position, which I have some hopes of their doing"; at supper, "The condition of the country is truly alarming, and I candidly confess my inability to fathom events that are to come"; at night, "Speak of that matter no more, for d—n me if I know where we are going, what is going to be done, what ought to be done, or what I am in favor of doing." This editorial declares that thousands of men are of the same sentiment; that the people are justly indignant at the intolerance of the North and are willing, if necessary, to imperil their lives for their beloved Texas. "But when they come to weigh the value of this Union, consecrated by the blood of a hundred battles, and made holy by ten thousand glorious recollections, the true patriot pauses in bewilderment at the vastness of the crisis he is called upon to meet, and daring though his heart may be, and firm his nerve, he is overpowered at the contemplation of the bloody crest of Revolution."¹³

The political factions were not idle. Houston took a positive stand in opposition to secession. Secession to him meant the suicide of Texas, the course by which it would lose all its rights. He dinned into the ears of the people his belief that secession would prove a stupendous failure, and that they would lose by it that very state sovereignty they were trying to save. He and his friends headed the Unionist party and supported the Bell-Everett ticket. Arrayed against them were the well organized Democratic party and the majority of the newspapers in the state, supporting the Breckenridge and Lane ticket. The city of Austin became the headquarters for both parties. Houston and his friends did their utmost to check the efforts for secession made by the states' rights

¹²*Southern Intelligencer*, January 30, 1861.

¹³*True Issue*, December 6, 1860.

men, many of whom were officers in the state government. They repudiated the Galveston platform as a gross misrepresentation of the wishes of the people, which might lead other states to believe that Texas was for secession.¹⁴ In reply the Democratic leaders maintained that none of their candidates had any disunion proclivities, and that the Galveston platform only upheld those political tenets which were conducive to the perpetuity of the Union, to the maintenance of states' rights and to the protection of every kind of property under the Constitution. They accused the Unionists of being in favor of unconditional submission to the principles of the Black Republican party, in the hope that if Lincoln should be elected some of the Federal offices would fall to their share.¹⁵ Houston especially was widely accused of sacrificing the interest of the state to further his own political ambition.¹⁶

In the meantime the National Democratic Convention had met at Charleston April 24, 1860, and had disagreed upon the national platform. The Southern delegates had withdrawn, but had met again June 23, 1860, at Baltimore and nominated John C. Breckinridge, of Kentucky, for president and Joseph Lane, of Oregon, for vice-president. These men represented the radical element of the Democratic party and were not satisfactory to a large portion of the country, even in the South. A constitutional Union party was organized. This party met at Baltimore May 9, 1860, and all the states except Oregon and South Carolina were represented. John Bell, of Tennessee, was nominated for president, and Edward Everett, of Massachusetts, for vice-president. The aim of this party was to preserve the Union at all hazards. Another faction of the Democratic party nominated Douglas for the presidency, while the regular Republican party nominated Lincoln.

During the summer, barbecues and mass meetings were held in all parts of the state by both parties. Many resolutions relating to the situation were adopted. Some of these threatened secession in the event of Lincoln's election. In Calhoun County a resolution was adopted to the effect that it was the duty of the Southern states to resist, even at the point of the bayonet, the inauguration

¹⁴*True Issue*, June 8, 1860.

¹⁵*State Gazette*, September 8, 1860.

¹⁶*State Gazette*, January 12, 1861.

of a sectional, Black Republican president.¹⁷ A non-partisan mass meeting in De Witt County declared that, although sincerely attached to the present Union, the people would never submit to the domination of Black Republicanism,—that if Lincoln were elected, the only thing for the South to do would be to dissolve all political connection with the people of the North.¹⁸ Resolutions adopted at the Union meetings denounced secession and accused the Democrats of favoring it.¹⁹

The leaders of the Unionist party were placed on the defensive in this campaign. As the time for the election drew near, Lincoln's victory appeared more and more probable. The question that was being asked throughout the state of the presidential electors was: "Do you consider the election of Lincoln sufficient cause for the dissolution of the Union?"²⁰ Both the Bell and the Breckenridge electors answered the question in the negative, but there was a general impression, nevertheless, that the election of Lincoln would be considered a sufficient cause for secession. The task of the Union campaign speakers was therefore to defend the policy of the Union and to show the necessity of all Union-loving citizens uniting to defeat the Breckenridge ticket. Judge E. P. Townes of Travis County, at an enthusiastic Union meeting at La Grange, told the people in an able speech that this was the only way to preserve the Union.²¹ At a great Union demonstration at Austin, Houston extolled the glories of the common country, counseled submission, and showed how inexpedient it would be for any state to withdraw from the Union, and declared that Lincoln's election would not be sufficient cause for such action. He recommended acquiescence in whatever might be the result of the election, saying that in his opinion the salvation of the state lay in the Union. He then exhorted the lovers of the Union not to desert their posts and leave the government in

¹⁷*State Gazette*, August 29, 1860.

¹⁸*Ibid.*

¹⁹I have found such resolutions adopted at Burnet, Round Rock, Winchester, Crockett, Bastrop, Hempstead, La Grange, Austin, and Cameron. See various numbers of the *True Issue* and *The Southern Intelligencer* published during the summer of 1860. Others would no doubt be discovered if more complete files of newspapers were available for the period.

²⁰Newcomb, *Secession Times in Texas*, 6.

²¹*True Issue*, October 25, 1860.

the hands of secessionists. "If Mr. Lincoln," he concluded, "administers the government in accordance with the Constitution, our rights must be respected. If he does not, the Constitution provides a remedy."²²

In the presidential election Breckenridge received 47,548 votes, and Bell, 15,463. The comparatively few votes cast for Bell in Texas must not be construed to mean that a complete revolution in public sentiment had taken place since the election of Houston the preceding year. Many good Unionists voted for Breckenridge because they felt he had a better chance to win than Bell; and the vast majority of Texans feared the election of Lincoln. The slave owners feared the consequence to their slaves, and most of the people believed the Central government had no right to interfere with what they considered their local affairs. This belief that the North was trying to dictate to the South greatly intensified the existing antagonism toward the Republicans.

In Texas the result of Lincoln's election was a radical change of sentiment. All felt that the North was the transgressor. The South demanded liberty and equality. Only when these were granted could she bury her animosities and, as one newspaper says, "move on to the music of the Union."²³

While the Unionists still counseled submission to the Union, but resistance to fanaticism and tyranny, the Democrats came out openly for secession. *The Gazette* said it was folly to temporize with imminent danger or to appeal to the magnanimity of a sordid and vindictive foe; nothing could be gained in that way; all association with the Northern enemy should be discontinued and his emissaries hanged; no avowed anti-slavery man should be allowed to remain in Texas.²⁴ That the power of the Democrats was again in the ascendancy, and that they would control the situation, was shown as early as in the primary election in August. At that time the regular Democrats elected by large majorities their nominees to the State offices over the Unionist nominees.²⁵ Some of the Sam

²²Williams, *Sam Houston and the War of Independence in Texas*, 340.

²³*True Issue*, November 15, 1860.

²⁴*State Gazette*, December 1, 1860.

²⁵The Democrats elected were: George Flournoy, Attorney General, Cyrus H. Randolph, State Treasurer, Clement R. Johns, Comptroller.

Houston papers, as well as some of the independent newspapers in the state, supported the democratic ticket before Lincoln's election.²⁶ Radical resolutions in favor of secession were adopted in many parts of the state, and the Governor was urged to convene the legislature. All were anxious for action of some kind in regard to the situation. Karnes County advocated the maintenance of Southern rights within the Union, if possible, or secession if this should prove impossible; declared that the election of Lincoln was a sufficient cause for secession, and recommended the call of a Southern Congress to take into consideration the present state of the Union and of the South. A meeting at Belton also advised concerted action by the Southern states and requested the Governor to convene the legislature, or provide for a convention of the people. Some counties, as for instance, Austin and Caldwell, were ready to co-operate with the rest of the state in any measures necessary for their safety. Other resolutions of a more radical character were adopted at mass meetings in Tarrant, Brazoria, and Lavaca counties. The Tarrant County resolutions earnestly requested the Governor to convene the legislature, but added that, if he should fail or refuse to do so, a state convention should at all events be held. The mass meeting of Brazoria, held November 17, declared for secession; recommended the holding of a convention at Galveston on January 8, for the purpose of determining what course Texas should pursue; and requested the chief justice of Brazoria County to order the election of five delegates to a state convention, the election to take place the first Monday in December, provided the Governor by that time had not issued a call for a special session of the legislature as he was requested to do. Two committees of safety, composed of sixteen members each, were provided to guard the interests of the county; and an organization of minute men was also provided to execute the committee's order.²⁷ These committees of safety for general protection and the organization of minute men to co-operate with them were authorized in a large number of the counties. The Lavaca County convention on November 21 favored secession, and requested the Governor to convene the legislature or provide for a state convention; it also urged that, if he should fail to do so, the people of the counties

²⁶*Red Land Express, Palestine Advocate, Harrison Republican.*

²⁷*State Gazette*, December 1, 1860.

should appoint delegates to a state convention.²⁸ Marion County advised that the legislature convene itself in a non-official capacity, if the Governor declined to call it.

Perhaps the trend of public opinion is even better shown in the *True Issue*, an independent paper. This paper deplored the fact that slavery had always been a source of strife between the two sections and declared that no important question had ever come before the people but that "slavery, like a haunting demon, looms up in the background." The North, in its hostility toward the slave law, in its descent upon Virginia, and in sending its emissaries to Texas to incite the slaves to arson and insurrection, was to blame for the present situation, and what hatred existed in Texas toward the North was due to the action of the abolitionists there. The people of Texas wished only to live in peaceful enjoyment of their constitutional rights.²⁹

A few days after the election of Lincoln, Houston received a letter signed by sixty-five citizens of Huntsville asking his advice as to what course ought to be pursued. They deprecated hasty action, but feared that delay in expressing opinions of the situation might prove harmful. Houston's answer was calm and dignified but firm. He counseled patience, admitted his distrust of Lincoln and the North, but affirmed his abiding faith in the Constitution and the Union. He closed with these words: "So long as the Constitution is maintained by Federal authority and Texas is not made the victim of Federal wrong, I am for the Union as it is."³⁰

Houston and the Unionists, realizing that the tide of disunion sentiment was rising, busied themselves trying to stem the tide by recommending caution, prudence, and calm deliberation in dealing with the question. Until the last moment David G. Burnet counseled submission to the election of Lincoln and continuance in the Union. Union meetings were held throughout the state and were well attended. It was the sentiment of these meetings

²⁸*Ibid.*, December 15, 1860.

Other counties in which the people advocated secession and requested Houston to convene the legislature were Polk, Dallas, Smith, Coryell, Sabine, Leon, Grimes, and Galveston. *State Gazette*, *passim*, during November and December, 1860.

²⁹*True Issue*, October 18, 1860.

³⁰*True Issue*, November 29, 1860.

that the state should maintain its rights in the Union.³¹ Colonel Henderson, in addressing a mass meeting at Round Rock, called on all Texans to stand by the American flag, and to claim boldly their rights in the Union under the Constitution.³² At a great demonstration at Austin on December 23, a pole ninety feet high was erected, and the national flag hoisted while the people sang patriotic songs.³³ Judge J. H. Reagan, then in Congress, writing from Washington, recommended a convention of the Southern states to present to the free states such propositions as would renew the original guarantees of the Constitution in favor of Southern rights in order that the question as to the extent and character of the slave states and the ownership of slave property might be settled forever. On the other hand, Louis T. Wigfall, also in Congress and writing from Washington, advocated immediate withdrawal from the Union, maintaining that Texas could not remain in it with either honor or safety.³⁴

In spite of the heavy pressure brought to bear upon Houston to call a special session of the legislature, he refused to issue the call until forced by circumstances. He gave as his reasons for not doing so that the situation did not demand the convening of the legislature, and that the finances of the state were in such a condition that it was necessary to keep all expenses down to a minimum. It also appears that Houston entertained serious doubts as to whether, on account of the recent redistricting act, the same legislature that met in 1860 could again be convened. He believed furthermore, that a legislature elected under the new act would probably come nearer to representing the wishes of the people.³⁵

In the meantime, Houston had acted upon the suggestions of some county conventions to make use of the joint resolution of

³¹*Southern Intelligencer*, January 23, 1861.

³²*Ibid.* The *Southern Intelligencer* does not give Colonel Henderson's initials.

³³Lossing, *Pictorial History of Civil War*. I, 186.

³⁴Lubbock, *Six Decades in Texas*, 303.

³⁵The old act passed in 1852 divided the representation in the legislature disproportionally. For instance, Galveston with only eight hundred and seventeen votes had one senator, while Milam and Burleson with nearly two thousand six hundred votes had only one.—*State Gazette*, December 10, 1859.

1858 authorizing the Governor to order an election of seven delegates to a convention of the Southern states, if, in his opinion, the situation should demand it. He sent the resolution, accompanied by a letter to the governors of the other Southern states suggesting the calling of a Southern convention for the purpose of discussing plans for common action. He said that in his opinion the time had come for a calm deliberation of statesmen in a manner permitted under the Constitution. He hoped that such a convention might adopt measures for restoring harmony between the two sections of the country.³⁶ Houston then issued a proclamation for the election of the Texan delegates on the first Monday in February. For this effort at conciliation Houston was widely denounced as a traitor to the South. Senator Wigfall said that Governor Houston ought to be tarred and feathered and driven from the state. Senator Iverson from Georgia, his old antagonist in the Senate, said, "Some Texas Brutus may arise to rid his country of this old, hoary-headed traitor."³⁷

In order to understand all phases of the secession movement in Texas, the existence of a secret order known as the Knights of the Golden Circle must be noticed. It met a hearty welcome in Texas in the summer of 1860, and much has been said about the influence that it exerted over the events that rapidly followed in the state during the winter and spring of 1860 and 1861. It appears that the order was primarily formed for filibustering purposes in order to perpetuate the institution of slavery. John C. Calhoun is variously credited or blamed as the originator of the order.³⁸ It has also been maintained that the Democratic leaders

³⁶*True Issue*, December 6, 1860.

³⁷A. M. Williams, *Sam Houston*, 342.

³⁸A writer in the *Continental Monthly* for January, 1862, says: "This organization, which was instituted by John C. Calhoun, William C. Porcher, and others, as far back as 1835, had for its sole object the dissolution of the Union and the establishment of a Southern Empire; Empire is the word, not confederacy or Republic:—and it was solely by means of its secret, but powerful machinery, that the Southern States were plunged into revolution, in defiance of the will of a majority of their voting population."

The evidence upon which the above statement is made in regard to Calhoun is not known. *Authentic Exposition of the Knights of the Golden Circle*, 1. In Lossing, *Civil War in America*, I, 187, a footnote reads, "It is authoritatively asserted that it [the order of the Knights of the Golden Circle] was founded by John C. Calhoun and other South Carolina conspirators, in the year 1835." But no authority is given.

after their defeat in 1859, at the hands of Houston and his adherents, regained their power and prestige in the state through the activity and influence of the order.³⁹ G. W. Bickley, a member of the order, spent the summer and fall of 1860 in Texas establishing lodges throughout the state. Although the headquarters of the order were at San Antonio, it was strongest in the eastern part of the state, where the disunion spirit also had its greatest strength.⁴⁰ But whether this strength of the disunion movement was because of the influence exercised by the order is doubtful. The fact, no doubt, that a larger proportion in that section had emigrated from the slave-holding states, and the fact that they had been troubled more by incoming abolitionists may sufficiently account for this condition. San Antonio and the surrounding country were about evenly divided for and against secession in 1861, which at least shows that the influence of the order was not controlling in that part of the country. According to the *True Issue*, the friends of Breckenridge, Bell, and Douglas associated together in the order in perfect harmony, and declared that this was conclusive proof that the order was not organized for the mere purpose of promoting disunion, for, says the editor, "certainly members of the Union party would not be caught in a disunion organization."⁴¹ Yet in a pamphlet circulated by Bickley before the Austin meeting in October, it is said that "The K. G. C. constitutes a powerful military organization, as a nucleus around which to hang such political considerations as will, if well managed, lead to the disenthralment of the cotton states from the oppressive majority of manufacturing and commercial interests of the North."⁴²

After hearing Bickley's speech at Austin on the character and aim of the order, Judge Paschal came to the conclusion that the order was a secret police; that it was accustomed to denounce individuals; that it worked by secret means, as dangerous to the innocent as to the guilty; that it marked baggage; that it undertook to pass upon the soundness of Southern citizens, having a common interest in the subject of slavery; and concluded, "It arrays itself

³⁹Bancroft, *North Mexican States and Texas*, II, 434.

⁴⁰Roberts in *A Comprehensive History of Texas*, II, 86.

⁴¹*True Issue*, November 1, 1860.

⁴²Quoted from pamphlet republished in *State Gazette*, November 1, 1860.

with the misguided partisans who threaten to overthrow the government, should they not elect their candidate, and it proposes by secret means to proscribe all who will not fall into their revolutionary purposes. It is, then, a secret political agency and one which established a police above the laws, which are sufficient for every emergency."⁴³ According to R. H. Williams, who was a member of the order, the organization was ostensibly formed to protect Southern rights, but its real object was to bring about secession and it did all in its power to further that movement.⁴⁴ Newcomb, the Union editor of the *Alamo Express*, was most severe in his denunciation of the order. He said that it was a powerful instrument in the hands of the leaders of the secession movement; that the first secession convention was affected through this organization; that the first armed rebels under Ben McCullough were members of the order; that it furnished the vigilance hanging committees, and that to it belonged the responsibility for the murders and arsons committed during the summer of 1860.⁴⁵

To what extent, however, the order influenced the secession convention, directly or indirectly, must remain a matter of surmise. The most that one can safely say is that probably the order encouraged secession and the extension of slavery, and that it was a factor of some importance in forming and uniting public opinion at this time.

The people of Texas had always distinguished between abolitionists and Unionists. During the whole period of the controversy over slavery there had been men who strongly upheld the Constitution and the Union. As the agitation developed and disunion became a probability, the newspapers representing the Union element became known as anti-secession and anti-democratic papers. But no real abolitionists, men or newspapers, had ever met with much favor in Texas. The *San Antonio Zeitung* seems to have been the only such newspaper that ever attempted to exist and publish abolition views in the state. It was published only one year, partly in 1855 and partly in 1856.

In regard to the *Zeitung*, the *Goliad True American* said that

⁴³Quoted from the *Southern Intelligencer* by the *True Issue*, November 1, 1860.

⁴⁴R. H. Williams, *With the Border Ruffians*, 159.

⁴⁵Newcomb, *Secession Times in Texas*, 6.

it was very sorry a free-soil paper could find a resting place in Texas; that Southern men might be forced to discuss their rights to property in England, but not in Texas. This paper concludes as follows: "If the editor of the *Zeitung* is a free-soiler or abolitionist, we would give him the choice of two alternatives—either to desist from building up a doctrine which is to rob us of our property or to take up his march, and that quickly, out of the State of Texas."⁴⁶ The *Galveston News* in June of the same year said, "*The San Antonio Zeitung* has made itself notorious of late by attacking slavery. Several of the Texas papers have rapped it pretty hard for its temerity in attacking the institutions of the state, and some of them went so far as to suggest that a coat of tar and feathers would be a fit reward for the editor."⁴⁷

In 1856 there were about thirty thousand Germans in Texas. The majority of these were settled in and near San Antonio, New Braunfels, and Fredericksburg. Being foreigners, and very few of them owning any slaves, they fell under the suspicion of the slave owners. The newspapers of the state became unfriendly toward them, and many false stories were circulated about them.

The situation of the Germans, due to their zealous editor, became so trying that they were forced to repudiate him. The German population around New Braunfels met in a mass meeting in June, 1855, and passed resolutions, the purport of which was that, as they had been attacked by the newspapers of the state, they wished to say that they acknowledged their allegiance to the Constitution and laws of the state; that they were not responsible for the sentiments expressed in the *San Antonio Zeitung*, and that it was both unjust and untrue that they had feelings inimical to Americans.⁴⁸ In December of the same year, a German, Mr. Waelder, the representative in the legislature from several western counties, made a statement in the House to the effect that the charges made against the Germans were false. He further asserted that, if the Germans had not been sound on the question of slavery, he would not be occupying a seat in the House, for his own sentiments on the question were fully understood by his constituents when they elected him, and he most assuredly had never harbored

⁴⁶*Galveston News*, May 19, 1855.

⁴⁷*Ibid.*, June 12, 1855.

⁴⁸*Ibid.*, July 17, 1855.

any thoughts "akin to abolitionism, free-soilism, or any other 'ism'"; that the Germans, as a body, were as loyal to the South as the citizens of any other section of the state.⁴⁹ After the departure of the editor of the *Zeitung* the excitement abated, and nothing more happened to mar the good will between the Germans and their American neighbors before the outbreak of the Civil War.

Another instance of the intolerance of everything that pertained to abolitionism in Texas was shown in 1859 at Bonham. The annual conference of the Methodist Episcopal Church was held near Bonham in the spring of that year. It appears that some opinions, unfavorable to the institution of slavery, were expressed at the meeting. As soon as this became known to the people in that community, about three hundred men gathered at Bonham. At an indignation meeting which was presided over by Judge Samuel A. Roberts, severe resolutions were adopted to the effect that, as the Northern Methodist Church entertained sentiments antagonistic to slavery, and that, as such sentiments had been expressed by its ministers upon the streets of Bonham, and that, as it appeared to be the purpose of the church to abolish slavery in the United States, therefore the further growth of this church in Texas would be adverse to the best interests of the state; that this church was used merely as a screen behind which to hide abolition emissaries who were dangerous to Texan interests and not to be tolerated; that the public denunciation of slavery heard on the streets that day was a gross insult to the people and should be promptly resented; that the views of the church on that subject did not coincide with the views of the people of Fannin County and that therefore the dissemination of such views must be stopped; that a committee be appointed authorized to pass rules to punish those uttering seditious sentiments; that a suitable committee be sent to the bishop and ministers assembled on Fannin Creek to order them to close the conference, as the same endangered the peace of the community. These resolutions closed with the suggestive phrase, "peaceably if we can—forcibly if we must." Before the meeting closed another resolution was unanimously adopted to the effect that the people of Bonham bind themselves to co-operate in the future to suppress abolitionism

⁴⁹*Ibid.*, December 8, 1855.

in their midst, and that henceforth they would permit no expression of abolition sentiments to go unpunished in the county. Fifty men were appointed to wait on the bishop and read the resolutions to him.⁵⁰ The conference was thus broken up. Bishop Janes, the presiding bishop on that occasion, later said that the reason for the attack was that his church differed on the slavery question with the Methodist Church in the South, and that the inhabitants of Fannin County believed that the people present at the conference were spies and forerunners of the invading army of abolitionism.⁵¹

In 1860 it became necessary for J. B. Robertson of Independence, Texas, a friend of Baylor University, to publish an open letter repudiating charges of abolitionism against some of the teachers in that institution. After stating that the rumor was untrue that one had been driven off on account of his views on slavery, he added that he was personally acquainted with every teacher in the University and knew that all of them were not only sound, but above suspicion, on the slavery question.⁵²

V. THE FIRST SESSION OF THE SECESSION CONVENTION

As the result of Governor Houston's refusal to take any steps toward calling a convention it became necessary for the disunion leaders to call the secession convention in an extra-legal manner. The Governor had been besieged by committees and petitions to convene the legislature, or to issue a call for a convention. He hesitated to do either, probably hoping that the excitement would soon subside, and that it would be in his power to save Texas to the Union. But his hopes were not to be realized, for the radical element was in control of the state. All the Southern states were taking action, and Texas was eager to do likewise. The leaders of the secession movement took the matter into their own hands. According to Judge Roberts, chairman of the secession convention, the reasons for so doing were that they were anxious to unite with the other Southern states, and as there were both Union and secession elements in the state, they feared internecine strife, when the North should attempt to force the Southern states back into

⁵⁰*State Gazette*, April 9, 1859.

⁵¹*State Gazette*, September 10, 1859.

⁵²*True Issue*, August 24, 1860.

the Union; and that the only way to unite the people in a common defense of the state, in spite of the will of the Governor, was to determine the status of Texas by a vote of the people.⁵³

It would thus appear that the leaders of the movement fully realized that the outcome of secession might be war. But it is equally certain that the common people did not believe such would be the case, and that they were purposely encouraged in this belief. The great task of Governor Houston during the interval between the passing of the secession ordinance and its ratification was an heroic attempt to convince the people that secession meant war.

Under the Constitution, neither the Governor nor the legislature had direct authority to call a convention. But the Governor had authority to convene the legislature in special session, and once convened, even in special session, the general powers of the legislature would be quite extensive. Had Houston convened the legislature, it would probably have called a state convention, but as he refused to do this, it appeared necessary that the convention be called without the co-operation of either the Governor or the legislature. This was done. The plan to issue an address calling upon the people to elect delegates to a state convention originated in the attorney general's office. The first address was drawn up in Justice O. M. Roberts's office by W. P. Rogers, George M. Flournoy, John S. Ford, and O. M. Roberts. This address appears in Judge Roberts's *Political, Legislative and Judicial History of Texas*.⁵⁴ In the *Journal of the Secession Convention* another address is printed which differs somewhat from the copy that Roberts gives. Thus, the Roberts's call has sixty-one signatures, while the call printed in the *Journal* has seventy-two.⁵⁵ The reasons given in the *Journal* address for calling a convention are the election of a sectional president; the imminent danger to Southern rights; the Governor's refusal to convene the legislature; the fact that the sovereign will of the people could be best expressed by a convention; that neither governor nor legislature was authorized under the

⁵³Roberts, in *A Comprehensive History of Texas*, II, 87.

⁵⁴In *A Comprehensive History of Texas*, II, 88.

⁵⁵The names of W. J. Darden, J. P. Gibson, T. N. Waul, Wm. Carleton, J. H. Lightfoot, James E. Harrison, Robert J. Townes, A. R. Crozier, J. M. Steiner, C. Kyle and M. D. Graham are found in the *Journal* but not in Justice Roberts's call. Other signers of the two calls were identical.

Constitution to call a convention, though the people had the right to do so;⁶⁶ that there was not enough time before the president's inauguration for the legislature to act; and finally that the legislature would probably ratify the work of the convention. The address suggested that the election be held January 8, 1861, and that the convention meet at Austin January 28. Elections were to be ordered unofficially by the chief justice of each representative districts, or, in case of his failure, by one or more county commissioners or by a committee of five citizens. The election was to be conducted according to the usual regulations; two delegates were to be elected from each representative district, and the action of the convention was to be submitted to the people for ratification or rejection.⁶⁷

⁶⁶Art. 1 of the Bill of Rights declares "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the inalienable right to alter, reform, or abolish their form of government in such a manner as they may think expedient." *Journal of the Secession Convention of Texas*, 10.

⁶⁷In all essential features the Roberts address is the same, except that it omits the important provision for submitting the work of the convention to the people. The origin of this paragraph cannot be traced. Among Judge Roberts's manuscripts is a paper that reads as follows:

"1860 The First Call upon the People of Texas to assemble in Convention—Drawn up by myself and Gen. W. P. Rogers, George Flournoy, Attorney General and by Col. John S. Ford in November at the Capitol in Austin.

"This was copied by me and sent to Gen. Rogers at Houston and adopted at a Mass Meeting at that Place. It was also sent to other places and brought out about the same time.

"Afterwards and before the meeting at Houston come off there being a number of persons wishing to sign the call that was to come out from Austin, Col. Geo. Flournoy drew up one (which is the printed copy here annexed) which was signed and kept unpublished until after the Houston meeting and made public early in Decr—I allude to this at the close of my speech of 1st Decr 1860 at the Capital."

According to this memorandum, George Flournoy drew up the address which was distributed throughout the state. The address referred to in Judge Roberts's memorandum as "annexed" is in the form of a circular. With the exception that it omits the paragraph submitting the action of the convention to the people, it is the same as the one printed in the *Journal*. This paragraph, however, appears in the address when it was published in the *State Gazette*, December 8. The meeting at Houston that Judge Roberts speaks of took place, and it may be that the paragraph was inserted there. No detailed account of this meeting appears in the available papers. There is only one reference to the meeting in the *Gazette*, which simply states that at the meeting it was recommended that a state convention be held at Austin, January 28; that each representative district elect two delegates; and that the election be held on the 8th. But in speaking of the plan for the convention the *Gazette* said,

As soon as the address was published secession became the issue. Houston in a last vain effort to thwart the action of the secessionists, issued a call, December 17, for an extra session of the legislature to meet January 21, just one week before the day appointed for the meeting of the convention. During the interval between the time of the publication of the address and the assembling of the convention great excitement prevailed. Mass meetings and barbecues were again held. Able Union and disunion speakers expounded their views on the situation. The lovers of the Union tried to persuade the people to act with calmness, to believe that in the Union was the best place for the state so long as the Constitution could be preserved, and that the proper thing to do was to preserve both the Constitution and the Union, for the disruption of the Union would bring only universal distress to Texas. They accused the secessionists of not wishing to see the Union preserved on any terms and of closing their eyes to the true remedies for the evil.⁵⁸ They also accused the politicians of deliberately hoodwinking the people in pretending that they would submit the action of the convention to the people. But the Union element had, with the exception of Houston, scarcely any strong and aggressive leader, and even Houston was not equal to the occasion. The Union sympathisers appeared to be silent spectators of the great drama played, and the majority of them did not even vote.

"This is the same plan suggested in a communication recently published in this paper, signed by gentlemen living in different counties." (*State Gazette*, December 15, 1860. According to the *True Issue*, December 6, 1860, *The Galveston Telegrapher* published the same plan except that the names of the men who signed it did not appear in the *Galveston News*.) The date of the Houston meeting is not given, but, according to Judge Roberts, the meeting took place before Flournoy's address was published. Flournoy's original address, then, does not contain the paragraph providing for submitting the action of the convention to the people, but when the address was published in the *Gazette*, it was there, in the same order as in the *Journal*. The reference to the address in Judge Roberts's speech on December 1 throws no light on the subject. He merely says there: "It has been suggested that an effort is being made to hold an election in Texas for delegates to a convention, on the 8th of January next. I hope that it will be done. That is an appropriate day for it.

"Texans may cast their vote that day, inspired by the brilliant achievements, that made it memorable:—Southern valor driving back the enemy that dared to invade Southern soil." *Roberts Papers*, University of Texas Archives.

⁵⁸Justice James H. Bell, Speech at Austin, December 1, 1860. *Roberts Papers*, University of Texas Archives.

The aggressive leaders of secession, on the other hand, carried everything before them. The whole movement seems to have been much more spontaneous than has generally been believed. At many mass meetings immediately after Lincoln's election such a convention as the address provided for had been advocated. In some instances action was taken for the election of delegates to a convention of the people even before the address was issued. At a mass meeting in Brazoria County, November 17, 1860, the chief justice was requested to order an election on December 3 for delegates to a state convention. On that date John A. Wharton was elected and represented the county in the secession convention. On November 24, the chief justice of Harrison County was directed by the citizens in mass meeting to order an election the fourth Monday in December for delegates to a general state convention. The delegates then elected became members of the convention. Some other counties held their elections for delegates before the appointed time, as Robertson, December 15; Tyler, December 22; Austin, December 22; Cameron, January 7.⁵⁹ So far as the certificates of elections show, only four counties, Jefferson, Orange, Anderson, and Trinity gave no returns.

The Eighth Legislature, at the call of Governor Houston, convened in extra session on January 21. The Governor's message, after reviewing at some length the Indian troubles and the embarrassed condition of the treasury, was devoted to the relations of Texas with the federal government. He deplored the fact that an aggressive sectional party, hostile to Southern institutions, had gained control of the general government, and he said that two alternatives now faced the people—either to abandon the federal government, which would be tantamount to acknowledging the Constitution a failure, or to maintain while in the Union every constitutional right. He advised the latter, for, so far, the grievances had originated with the states and not with the federal government. He advised against hasty and unconcerted action and against immediate separation before having stated grievances and demanded redress; and he could see in the election of Lincoln no cause for immediate and separate secession. He also declared that he believed the time had come when the Southern states should

⁵⁹According to the certificates of election, *Journal of Secession Convention of Texas*, 409-452.

co-operate and counsel together to devise means for the maintenance of their constitutional rights, and to demand redress for the grievances they had suffered at the hands of the Northern states. He had ordered an election for the purpose of choosing delegates to a Southern convention, as recommended by the joint resolutions of 1858. He recommended, further, that the legislature provide legal means by which the people might express their will through the ballot box; and if the legislature deemed it necessary to call a convention for the purpose he would not oppose it. He would only suggest that no action should be considered final until it had been submitted to the people. He looked to them for wise and sagacious counsels, "Representing the creative power of law," he said, "the high responsibilities upon you demand that you indignantly frown upon any and every attempt to subvert the laws and substitute in their stead the will of revolutionary leaders." Only the people could determine upon the status of Texas, and therefore he recommended that the question be submitted to them, and concluded: "Be their voice as it may, we shall be united and whether our future be prosperous or gloomy, a common faith and hope will actuate us; but if on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken, and gloomy forebodings will fill the hearts of the friends of regulated Government, lest the reign of anarchy and confusion come upon us."⁶⁰

The legislature, however, disregarded the Governor's recommendations and proceeded to do the very things he had urged it not to do. One of the first resolutions adopted, repealed the joint resolution of 1858 under which the Governor had acted the preceding November. The friendly feeling toward the extra-legal convention was also shown almost immediately. As the delegates to the convention arrived at Austin, they were invited to seats within the bar of the Senate and the House. Although the Governor's friends made an attempt to carry out his wishes, they could accomplish nothing. Throckmorton's resolution providing for the election of delegates to a general convention of the people of

⁶⁰*Senate and House Journal*, 1861, 20.

Texas⁶¹ was referred to the committee on State Affairs, from which it never emerged. But a joint resolution offered by Mr. Herbert to validate the acts of the convention to be held at Austin, January 28, 1861, which further provided for the mileage and per diem of the members of the convention, referred to the same committee appeared again in a short time transformed into the following resolution, which was adopted January 26:

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the states, and the people of the same have, in the exercise of powers reserved to themselves in the bill of rights, called a convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by the numerous assemblages of citizens in various parts of the state, was, when elected and assembled, to have power to consider the conditions of public affairs, to determine what shall be the future relations of this state to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the federal government in the Constitution of the United States, and by the articles of annexation, then the ordinance of said convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this state for their ratification or rejection; therefore,

1. Be it resolved by the legislature of the state of Texas, That the government of the state of Texas hereby give its assent to and approves of the convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.⁶²

It was, however, not approved by the Governor until February 4, 1861, and then it was approved with a protest against the assumption of any power on the part of the convention, beyond that of referring the question of secession to the people.

⁶¹*Ibid.*, 37.

⁶²*Journal of the House of Representatives*, 1861, 57; *Journal of the Secession Convention of Texas*, 13.

A joint resolution was also passed relative to coercion in which the legislature maintained in substance that the sovereign states had denied to the federal government the power to compel by arms obedience by the states to federal authority; that the attempt of the federal government to coerce a state was a violation of the Constitution, destructive to the right of free government, and fatal to the existence of the Union; that should the federal government attempt to coerce a sister state into subjection to federal rule Texas would make common cause with her in resisting, by all means and to the last extremity, such violence and usurpation of power.

All action taken by the legislature in the early part of its session was in accord and sympathy with the convention. The House tendered the use of its hall to the convention each day after two o'clock, and fuel and stationery were placed at its disposal.

After the secession ordinance had been passed the legislature co-operated with the convention in placing the ordinance before the people for ratification or rejection. Two acts were passed for this purpose. The first, passed over the Governor's veto, merely required the officers of the state to order elections for the ratification or rejection of the ordinance of secession according to the directions of the state convention. Two days later it became necessary to pass a supplemental act requiring the Governor to issue a proclamation for the election, and to direct the vote to be taken and returns to be made in the manner prescribed in the first act and in the ordinance of the convention on the subject. This act was approved by the Governor February 9, with a protest against the short time allowed for notice.⁶³

The first secession convention convened at Austin, January 28, 1861. The personnel of the convention, according to the correspondent of *The True Issue*, consisted of a respectable body of men, both in personal appearance and in point of intelligence; but there were many conjectures as to what it would do. According to the same correspondent, some thought that the action of the convention would be declared binding without any reference to the people. Some believed the convention intended to usurp sovereign power, subvert the state government, and erect a provincial one in its

⁶³Gammel, *Laws of Texas*, V, General Laws of Extra Session, 1861, 18.

stead; and that, if this should be attempted, neither Houston nor his friends would resort to arms to suppress and prevent it.⁶⁴

The organization of the convention was effected the first day. O. M. Roberts was elected president, R. T. Brownrigg, secretary, W. D. Schofield, first assistant secretary, and R. H. Lundy, second assistant secretary. There had been some irregularities in the election of certain members, but the report of the committee on credentials favored seating them all and contests were thus avoided. In a number of the counties, namely Tyler, Harden, Titus, Harrison, Karnes and Bee, more delegates had been elected than such counties were entitled to under the call. The committee recommended that all such delegates be allowed seats, but that they should have only as many votes as the number assigned to the county they represented. In Travis, Williamson, and Milam counties the six delegates had not been elected in the manner indicated by the call, but they also were seated.⁶⁵

The president was authorized to appoint the following committees: a committee composed of one member from each judicial district represented in the convention, on Federal Relations; a like committee to present business to the convention; and committees on Finance, on Resolutions, and on Public Safety. Later, as they became necessary, committees on Foreign Relations, on Commerce, Revenue and Navigation, on Business, and on Postal Affairs, were added. Each member of the convention took an oath faithfully and impartially to discharge his duties and bear true allegiance to the state.⁶⁶

The direct issue before the convention came up on the second day, when Mr. Wharton offered a resolution "that without determining now the manner in which this result should be effected, it is the deliberate sense of this convention that the state of Texas should separately secede from the Federal Union."⁶⁷ This was adopted by a majority of one hundred and fifty-two to six. At this juncture it was learned that John McQueen, commissioner from South Carolina to Texas, had reached Austin. A resolution was immediately passed inviting him to a seat upon the president's stand

⁶⁴*The True Issue*, January 31, 1861.

⁶⁵*Journal of the Secession Convention of Texas*, 22-23.

⁶⁶*Ibid.*, 25.

⁶⁷*Ibid.*, 25.

during the session, and a committee of three was appointed to inform him of the action of the convention. Mr. McQueen visited the convention on February 1, and delivered a speech, during the course of which he complimented the intelligence and spirit displayed by the convention in dealing with the situation. He said that he felt confident that Texas would soon be ready to join the other seceding states in forming a Southern Confederacy for the purpose of perpetuating the "institutions of our ancestry, who transmitted them to us, that we should have in them but an usufruct, and transmit them untarnished, to our posterity."⁶⁸ General John W. A. Sanford, commissioner from Georgia, addressed the convention on February 4. After briefly reviewing Georgia's course in the present crisis, he congratulated the convention on the "auspicious result of its labors" and was pleased to note that it had referred its decision to the judgment of the people. He hoped that when the work of the convention should have received the sanction of the people, Texas would unite with the other Southern states, as such a policy was necessary to the prosperity, happiness and safety of all.⁶⁹

On January 30, the convention received from the legislature a copy of some Tennessee resolutions, accompanied by a letter of Governor Houston addressed to the legislature. The Tennessee resolutions were in the nature of a reply to certain resolutions recently passed by the legislature of New York. The legislature of New York had offered men and money to the president of the United States for the purpose, according to the language of the Tennessee resolution, "of coercing certain sovereign states of the South into obedience to the Federal Government." Governor Houston in his letter advised the legislature to meet every assault upon the liberties of the people. He again reminded them of the fact that he had called them together to provide for an expression of the will of the people at the ballot box, and that while the people were deliberating upon the question no impending threat of coercion from the people of another state should be permitted without at least meeting with the condemnation of their legislature.⁷⁰

Several resolutions had been offered in regard to the convention's

⁶⁸*Ibid.*, 50.

⁶⁹*Ibid.*, 73.

⁷⁰*Ibid.*, 31.

getting into official communication with the Governor, and all had finally, on January 30, been referred to a special committee of three. This committee on the same day reported a mode of procedure, which was immediately adopted. The report provided for a committee of five to be appointed by the president, whose duty it should be to wait upon the Governor and to confer with him on subjects connected with federal relations; it provided also for a like committee to inform the legislature that the convention was organized and ready to proceed with the work before it, and that the convention desired to act in harmony with the various departments of the state government. John H. Reagan, P. W. Gray, John D. Stell, Thos. J. Devine, and W. P. Rogers were appointed to wait upon the Governor. Houston received the committee kindly, expressed his thanks to the convention for its courtesy, and promised to communicate with the convention the next day.⁷¹ In this communication to the committee, Houston said that whatever appeared conducive to the welfare of the people had his most fervent good wishes, and that no one would be more ready than he to yield obedience to the will of the people, when it had been expressed through the ballot box; he was ready to act in harmony with the convention in securing an expression of the popular will in regard to federal relations, and he would cheerfully confer with any committee appointed for that purpose. But he did not commit himself any further.⁷²

At the afternoon session on January 30, the ordinance of secession was placed before the convention by the Committee on Federal Relations, accompanied by a minority report, which minority report concurred with the majority in recommending the ordinance reported by the committee, but dissented from the resolution accompanying the ordinance which proposed to refer the ordinance to a vote of the people, taking the position that the interests of the state could be best served by the ordinance's taking effect immediately.⁷³ The ordinance was read the first time, and the convention adjourned to meet again in secret session in the evening.

⁷¹*Journal of the Secession Convention of Texas*, 37.

⁷²*Ibid.*, 47.

⁷³The minority report was signed by W. B. Oehiltree, A. W. Hicks, Wm. S. Todd, P. T. Herbert. *Ibid.*, 36.

The ordinance, which was finally adopted in its original form, is as follows:

Sec. 1. Whereas, the Federal Government has failed to accomplish the purposes of the compact of union between these states in giving protection either to the persons of our people upon an exposed frontier or to the property of our citizens; and whereas the action of the Northern states of the Union, and the recent development in federal affairs, make it evident that the power of the federal government is sought to be made a weapon with which to strike down the interests and prosperity of the Southern people, instead of permitting it to be as it was intended, our shield against outrage and aggression:

Therefore, We the people of the state of Texas in convention do declare and ordain, that the ordinance adopted by our convention of delegates on the 4th day of July, A. D. 1845, and afterwards ratified by us, under which the republic of Texas was admitted into the Union with other states and became a party to the compact styled 'The Constitution of the United States of America' be and is hereby repealed and annulled; that all the powers that by said compact were delegated by Texas to the federal government are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact and is a separate sovereign state.

Sec. 2. This ordinance shall be submitted to the people of Texas for ratification or rejection by the qualified voters on the 23rd day of February, A. D. 1861, and unless rejected by a majority of the votes cast shall take effect and be in force on and after the 2nd day of March, A. D. 1861.⁷⁴

At this secret evening session the discussion upon the ordinance began, and it was continued until the next evening, when it was decided to vote the next day at twelve o'clock, and to do so without discussion. There appears to have been much disagreement in regard to the contents of the ordinance. At the first evening session a radical substitute was offered by A. P. Wiley. It provided that after the withdrawal of Texas from the Union, all parts of the existing state constitution and laws not repugnant to the provisions of the ordinance of secession should remain in force until a new constitution could be adopted; that all officers of the government be required to take an oath to support the ordinance of secession and the constitution of government to be adopted by the conven-

⁷⁴*Ibid.*, 36.

tion, and that in case the Governor for a week, or any other officer for a month, should fail to take the oath after the ordinance and constitution should take effect, such office should be declared vacant; that immediately after the adjournment of the convention the Governor, or if he refused, the Lieutenant governor, should issue a proclamation directing the chief justice to order and hold elections for the ratification or rejection of the ordinance of secession and at the same time and in like manner to vote for the ratification of a general government for the Southern United States that may be adopted at Montgomery.⁷⁵ John Gregg then moved to strike out the second section of the ordinance submitted by the committee. No action was taken at the time, and when it came before the convention the next afternoon, several substitutes for his resolution were offered. T. J. Chambers's substitute provided for an election of governor and members of the legislature on February 23, in accordance with the last apportionment act, and provided that the officers elected at that time should assume their duties on March 2; that seven delegates should be elected to represent Texas at Montgomery by a joint vote of the legislature and the convention on February 1; that the legislature should be authorized by the convention to watch over and provide for the safety of the state until another legislature could be installed, and that for this purpose the legislature should be authorized to adjourn and assemble at will, to pass all laws necessary to carry into full effect the powers formerly delegated to but now withdrawn from the federal government, and in the name of the state to contract such debts and to bind the state therefor, not to exceed five millions of dollars, as should be necessary for the defense.⁷⁶ But no agreement could be reached. Finally, on motion of J. C. Robertson the vote on the Gregg resolution was ordered. The resolution was lost by a vote of twenty-nine to one hundred fifty-seven. The people had won.⁷⁷

On the following day, February 1, the Governor, lieutenant governor, and judges of the supreme and district courts, were invited to seats within the bar of the convention when the vote on the ordinance was to be taken. Five men were appointed as a com-

⁷⁵*Journal of the Secession Convention of Texas*, 38.

⁷⁶*Ibid.*, 44.

⁷⁷*Ibid.*, 44.

mittee to wait on Houston and Clark. Houston was given a seat on the right of the president. At the appointed time the ordinance was taken up, read a third time and passed by a vote of one hundred sixty-six to eight. Although it had been decided the evening before that no discussion should take place when the vote was taken, many of the members of the convention could not refrain from giving the reasons for their votes. The most exciting incident of the vote was caused by J. W. Throckmorton's remarks. He rose from his seat and said: "Mr. President, in view of the responsibility, in the presence of God and my country—and unawed by the wild spirit of revolution around me, I vote no."⁷⁸ Much confusion followed. Hisses as well as applause came from the galleries. Throckmorton rose from his seat and exclaimed: "Mr. President, when the rabble hiss, well may patriots tremble." Prolonged cheering from the galleries followed, and a strong appeal from the president was necessary to restore order.⁷⁹

With the passage of the ordinance the first act in the drama of secession was at an end.

At the afternoon session a resolution had been passed providing for sending copies of the ordinance to the Governor and the legislature, and requesting their co-operation in submitting it to the people. At this time the committee on Federal Relations reported an ordinance prescribing the mode of election to be held for the ratification or rejection of the ordinance, the substance of which was that the election be held February 23; that each county should be an electoral district and that the votes be returned by the proper officer to the president or secretary of the convention; that the election should be held by the proper officer in each county, with or without an order from the chief justice of such county; that the returns from the precincts should be made on or before February 26; that the manner of making returns to the chief justice, county clerk, or commissioners, should be the same as in ordinary elections; that the duty of the officer to whom the returns were made should be to count the votes, certify the results and transmit the same to the president of the convention in duplicate, at different times, by mail, or by some discreet person; that the aggregate vote should be counted by the president and the

⁷⁸*True Issue*, February 7, 1861.

secretary of the convention on or after March 2; that the manner of voting should be by ballot "for secession" or "against secession," each qualified voter being permitted to cast his vote in any part of the state; and that finally the people of El Paso should be permitted to hold their election February 18. This ordinance was adopted by sections and then passed as a whole.⁸⁰

The next afternoon, February 2, the special committee appointed for the purpose, presented an address setting forth the causes that impelled Texas to withdraw from the Union. The causes as thus set forth were: that Texas had not been permitted to enjoy the blessings guaranteed to it when it became a member of the Union; that for the purpose of acquiring power in the Federal Government in order to destroy the institutions of Texas and of the other slave-holding states, the controlling majority of the federal government had under various disguises administered the government in such a way as to exclude the citizens of the Southern states from the enjoyment of the common territories; that because of the disloyalty of the North and the "imbecility of the Federal Government," combinations of outlaws had been permitted to trample upon the federal laws in Kansas, upon the lives and property of Southern citizens there, and to usurp the possession of the territory for the benefit of the Northern states; that the federal government had failed to protect the borders of Texas from the Indians or the Mexicans; that when the state had expended money for that purpose, the federal government had refused to reimburse the state; that the individual non-slaveholding states had deliberately violated the Constitution; that the people in these states had formed themselves into a great sectional party for the purpose of abolishing slavery and forcing political equality between the two races; that the abolitionists had been sowing seeds of discord between the two sections, and had consolidated their strength and placed the slave-holding states in a hopeless minority in Congress; that the South could no longer protect its rights there against encroachments; that these adversaries proclaimed a law higher than the Constitution, and had encouraged lawless organizations to steal slaves and prevent their recapture; that they had invaded Southern soil, murdered unoffending citizens, sent seditious pamphlets to

⁸⁰*Journal of the Secession Convention of Texas*, 58.

stir up insurrection, and emissaries to burn towns and to distribute arms and poison to the slaves; and that they had elected a sectional president.⁸¹ In view of these facts the convention proclaimed its belief that the government was established exclusively for the white race; that the African race was rightfully held and regarded as an inferior and dependent race and that only in that condition could their existence in the country be rendered beneficial and tolerable; that all white men are and of right ought to be entitled to equal civil and political rights; that slavery was authorized and justified by the experience of mankind, by the revealed will of the Creator, and recognized by all Christian nations; that the destruction of existing relations between the two races would bring inevitable calamities upon both; that as six states had seceded there was no course open for Texas except to unite her destiny with those states.⁸²

The next step in the secession procedure was to secure control of the situation during the recess of the convention. This was necessary in order to carry out the secession program in case of possible opposition by the unionists, until the wishes of the people could be expressed in the election ordered. The effective instrument adopted for this purpose was the Committee on Public Safety, a body originally invested with extensive authority and gradually strengthened until it had complete power during the recess of the convention. In matters pertaining to the defense of the state and to secure the public safety, it had almost absolute power.⁸³

The next move in the extra-legal proceedings of the convention was to elect seven delegates to the Montgomery convention. There was a difference of opinion as to the advisability of such action before the will of the people should have been expressed at the ballot box. As early as January 30, a recommendation to send such delegates had been offered.⁸⁴ This was followed by many other resolutions and substitutes, and all were finally referred to a select committee of three.⁸⁵ This committee reported a resolution which was adopted, after striking out the number four and inserting in

⁸¹*Ibid.*, 61.

⁸²*Ibid.*, 63.

⁸³*Ibid.*, 71, 82.

⁸⁴*Ibid.*, 33.

⁸⁵*Ibid.*, 68.

its place the number seven, by a vote of one hundred thirty-two to thirty-eight.⁸⁶ John H. Reagan, Louis T. Wigfall, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham, and Wm. B. Ochiltree were elected to represent Texas at the Montgomery convention. No more business of importance was transacted by the convention during its first session. Resolutions covering every conceivable phase of the situation were offered, but the majority of these were either tabled or lost in the committees. F. Locke went so far in his zeal as to offer a resolution to the effect that it was the sense of the convention that there should be an article incorporated into the constitution of the Southern Confederacy to be formed at Montgomery, that would prohibit any state therein from abolishing slavery.⁸⁷

The first session of the convention adjourned February 5, to convene again March 2; and Judge Roberts, after congratulating the convention on its courteous and conciliatory deliberations, adjourned the convention in the following words:

"Let us go home and appeal to them [the people] to sustain our action by their votes; and when we reassemble on the 2nd of March let us bring back with us the voice of a united people, in favor of an immediate action to sustain the rights of the people of Texas and of the South at all hazards, and to the last extremity."⁸⁸

⁸⁶*Ibid.*, 76.

⁸⁷*Ibid.*, 53.

⁸⁸*Ibid.*, 85.